REMARKS

The "examiner should always look for enabled, allowable subject matter and communicate to applicant what that subject matter is at the earliest point possible in the prosecution of the application." MPEP 2164.04, last paragraph (emphasis original).

Applicants thank the Examiner for the Examiner's timely and thorough search of the art and Office Action. Applicants, by this Amendment, have amended the Claims to overcome all deficiencies noted in the Examiner's Office Action. No new matter has been entered by this Amendment. After entry of this Amendment, Claims 1 – 11, 16 – 19, 30 – 46 and 52 remain pending in the Application.

In the Office Action the Examiner rejected Claims 1 – 11, 16 – 19, 30 – 46 and 52 under 35 USC 103(a) as being unpatentable over US Patent 6,968,044 to Beason et al. (hereinafter referred to as "Beason") in view of US Patent 6,771,742 to McCalmont et al. (hereinafter referred to as "McCalmont").

According to the Examiner, Beason discloses the invention, except for the claimed "responsive to a triggering event, the CES channel system and one of the resource's channel systems dynamically establish a second media channel between one another over the transport network, and exchange messages over the second media channel to facilitate the CES in handling emergency events".

Applicants respectfully traverse the Examiner's rejection of Claims 1 – 11, 16 – 19, 30 – 46 and 52 under 35 USC 103(a) as being unpatentable over Beason in view McCalmont.

The Examiner cites Beason at Col. 4, lines 33 – 45 as disclosing an emergency services network and conforming emergency systems. Beason (including the cited passage) merely discloses "a method for delivering first and second communications associated with an

emergency call from a communication device" [Beason, Col. 2, lines 32 – 33]. Beason strives to solve a problem of delays in an emergency network that may be occasioned by a PSAP attendant position receiving ALI information after the PSAP attendant receives both the call and associated ANI information. According to Beason,

> …this time lag exists because the PSAP controller 38 retrieves the ALI data from the ALI data base 24 after it receives the ANI information from the E911 tandem 14. The time required to query and retrieve ALI data from the ALI data base 24 will vary depending on the specific E911 service architecture10 employed. [Beason, Col. 5, lines 48 – 54]

Beason avers that his invention yields a more efficient and cost effective emergency services system:

> …embodiments of the present invention provide a more efficient and cost effective operation. Embodiments of the present invention further provide for simultaneous delivery, or substantially simultaneous delivery, of the emergency call, the calling party number, and the ALI data to the PSAP position attendant. [Beason, Col. 3, lines 35 – 40; see also at least Col, 2, lines 51 – 54; Col. 4, lines 5 – 9; Col. 11, lines 7 – 10; Col. 12, lines 19 – 23; Col. 13, lines 16 - 18]

Beason actually teaches away from the present invention in that Beason advocates and discloses consolidating his various data bases at a central location.

> Various embodiments of the present invention described herein are generally directed to providing an E911 services architecture and methodologies that consolidate at one location automatic number identification (ANI), call routing data, address location information (ALI) data, and coordinates/location data for wireless service. Accordingly, the E911 services architecture operates more efficiently than the conventional E911 architecture, improves the probability of handling an emergency call in a timely manner, and reduces the overall risk of an emergency services system failure. [Beason, Col. 3, lines 19 – 28; see also at least Col. 3, lines 52 – 56; Col. 4, lines 17 – 20; Col. 12, lines 32 – 35]

In contrast, the present invention provides less rigid distribution of resources and conforming emergency systems (CES) to permit more flexibility of operation and to permit avoiding hard connections between element s of an emergency service network. [See Specification, particularly at page 3, line 11 – page 4, line 20.]

Further, Beason does not disclose, teach or suggest establishing a second media channel in response to a trigger and thereafter conducting communications over the second media channel instead of the first media channel.

Continuing in the Office Action, the Examiner cited McCalmont as disclosing that, "responsive to a triggering event, the CES channel system and one of the resource's channel systems dynamically establish a second media channel between one another over the transport network, and exchanges messages over the second media channel to facilitate the CES in handling emergency events (citing McCalmont, Col. 11, lines 32 – 67 and FIG. 2, 244).

McCalmont contributes nothing to overcome the shortcomings of Beason as a 37 USC 103(a) reference.

McCalmont does not disclose, teach or suggest establishing a second media channel over a transport network in response to a trigger and thereafter conducting communications over the second media channel instead of the first media channel. McCalmont states that,

> …any type of communication device 224, 268 that is capable of initiating contact with an emergency service call center 212 may be associated with a network 200 in accordance with an embodiment of the present invention, and may trigger a request for emergency services placed to a public safety answering point 244… [McCalmont, Col. 11, lines 56 – 62]

McCalmont misses teaching the present invention on at least two points: (1) the call to a public safety answering point that may be triggered by a request for emergency services is not established involving a CES originally involved in the call (as is the case with the present

invention, as claimed); and (2) the call established with a public safety answering point is in addition to the original call (i.e., the request for emergency services). The second call (to the public safety answering point) does not replace the original call and involve one of the original parties to the first call.

Applicants have reviewed the other art cited of record. Neither Beason, nor McCalmont, nor any combination of Beason and McCalmont anticipates, discloses, teaches, shows, suggests, infers or in any way renders obvious the present invention as claimed in Claims 1 – 11, 16 – 19, 30 – 46 and 52. It is respectfully submitted that Claims 1 – 11, 16 – 19, 30 – 46 and 52. patentably distinguish over the art of record.

Since Applicants have fully and completely responded to the Official Action, this Application is now in order for early action and such early action is respectfully requested. If the Examiner would deem a telephone conference to be of value in expediting this Application, the Examiner is invited to call the undersigned attorney at (406) 677-0955 at the Examiner's convenience.

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I certify that this document is being electronically submitted to Commissioner for Patents at www.USPTO.gov on January 29, 2010.

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